



MEETING SUMMARY

Date: January 21, 2003

Topics:

- Comments on the Fernald Comprehensive Stewardship Plan
- Role of the Natural Resources Injury Lawsuit
- Distribution of the Feasibility Study Report
- Multi-Use Education Center Feasibility Study

Attendees:

Fernald Citizens Advisory Board

French Bell
Jim Bierer
Marvin Clawson
Lisa Crawford
Pam Dunn
Steve DePoe
Bob Tabor

FRESH

Edwa Yocum
Carol Schroer

The Perspectives Group

David Bidwell

U.S. Department of Energy

Ed Skintik
Gary Stegner

Ohio Environmental Protection Agency

Donna Bohannon
Jane O'Dell

Fluor Fernald

Joe Shomaker
Rick Strobl
Jeff Wagner
Sue Walpole
Eric Woods
Larry Stebbins
Pete Yerace

Others

Keith Wilkerson

General Announcements

David Bidwell opened the meeting and reviewed the agenda. He announced that the Stewardship Toolbox binder would be complete and distributed at the February meeting. In the toolbox will be a stewardship activity update sheet, which will be revised monthly. David provided the group with an outline of the anticipated toolbox contents and a mockup of the update sheet. Lisa Crawford asked that all comments on the Comprehensive Stewardship Plan be included in the binder.

Gary Stegner reported that DOE Headquarters would unveil plans for a new Office of Legacy Management on January 31. The Grand Junction Office, the Office of Long-Term Stewardship, and the Office of Community and Worker Transition will all report to this new organization. The transition of existing programs to this new office should be completed in October 2003. The Office of Legacy Management will be a separate organization, reporting to Bob Card and managed by a political appointee. Mike Owen, currently with the Office of Community and Worker Transition, will likely be the acting director. Gary recommended that the Stewardship Committee invite Mike Owen to attend an upcoming FCAB meeting.

Joe Schomaker explained that DOE Headquarters has raised some questions regarding DOE responsibilities for Native American burial sites. He stated that the site is looking into options for deeding or leasing these sites to the Tribes or another organization.

Comments on the Fernald Comprehensive Stewardship Plan

David noted that Ohio EPA provided committee members with copies of its comments on the draft Comprehensive Stewardship plan.

At the December Stewardship Committee meeting, members were asked to provide comments on the draft plan. David and Doug Sarno compiled these comments into a memo to Gary Stegner, so the draft plan could be revised before being submitted to Headquarters on January 28. Committee members indicated that this memo did not adequately communicate the community's displeasure with the Comprehensive Stewardship Plan and stated that the memo should not be sent to Headquarters. David suggest that the FCAB submit a letter to DOE Headquarters that would clearly communicate its general concerns regarding the plan and the administration's approach to long-term stewardship. Lisa suggested that a package including FCAB comments, Ohio EPA comments, and the draft plan be sent to Congressional representatives.

Gary stated that the revised Comprehensive Stewardship Plan would be distributed to the Stewardship Committee when it is completed. He explained that the Comprehensive Stewardship Plan would continue to focus on long-term surveillance and maintenance of the remedy. Edwa Yocum stated that DOE must consider how stewardship of the site will impact the economic conditions of the community and noted that an inaccessible site would carry a negative stigma.

Members expressed frustration regarding DOE's narrowing of the definition of long-term stewardship to cover only the legally required surveillance and maintenance of the remedy. To the community, the acceptance of a "balanced approach" to cleanup represented a good-faith agreement to expand the concept of long-term stewardship. Committee members stated that DOE commitments to stewardship should be captured in a legally binding document, such as a Record of Decision. Lisa Dunn stated that the designation of the Grand Junction Office as site steward might diminish opportunities to partner with other entities on stewardship, because DOE would be viewed as an unreliable partner.

Committee members expressed some specific concerns regarding the draft plan's treatment of long-term surveillance and monitoring:

- The presence of the steward at the site and the frequency of monitoring are not adequately specified. The community wants to know that the site is being watched closely.
- Monitoring data should be frequently reported to the public, not just for five-year CERCLA reviews.

- The monitoring of groundwater is not specified clearly in the plan and must be a part of stewardship for the site.
- The plan should clearly specify that copies of site records must be available at or near the site.
- The community should be involved in ongoing decisions regarding records disposition, so that information that is important to the community is not destroyed.
- Overall, many components of the plan lack sufficient specificity.

Steve DePoe stated that use of the term “public use amenities” characterizes those components of stewardship (trails, education, access to records) as peripheral or not necessary. David noted that any comments submitted by the FCAB to Headquarters need to build the case for why stewardship beyond surveillance and monitoring is critical. Gary suggested inviting congressional staffers to a meeting in order to discuss these issues with them.

Role of Natural Resources Injury Lawsuit

The group also discussed the role of the anticipated settlement of the Natural Resources Injury lawsuit in long-term stewardship. Eric Woods stated that settlement of the Natural Resources Injury lawsuit could provide a legal driver for stewardship beyond surveillance and maintenance. He further stated that use of the settlement to ensure ongoing maintenance of the ecological restoration and public use features would eliminate the uncertainty of long-term DOE funding. Members of the committee stated that DOE should not rely on settlement of the lawsuit with the State of Ohio to fulfill its stewardship obligations. Other members stated that it is okay to use the settlement as a means to fund maintenance of ecological restoration projects and public use features (e.g., trails).

Pete Yerace discussed the importance of being able to determine what DOE Headquarters would be able to support for a settlement, before negotiations move forward with the State of Ohio. According to Pete, a proposed settlement was for DOE to conduct the twelve restoration projects at the site, pay the state five million dollars for groundwater education, and pay several hundred thousand dollars for continued monitoring of ecological restoration. The main issue between the parties is the end-date for DOE obligations for the ecological restoration projects. DOE maintains that the settlement cannot include perpetual care. Pete noted that even though there is not settlement, the site is continuing with the restoration projects. Bob Tabor stated that the parties needs to outline what they will not agree to, in order to define the parameters of the negotiation.

The group briefly reviewed a draft letter that offers the FCAB’s assistance in reaching a settlement. Pam Dunn stated that the letter frames the issue in DOE terms by emphasizing the role of the settlement in funding long-term stewardship project. The group discussed the need to hear more information from the Trustees before taking a position on the potential settlement. The committee decided to put the letter on hold, and suggested holding a round table discussion or workshop to get more information on the issue. This dialogue could be used to establish a community vision for how the ecological restoration projects should be maintained. Lisa stated that the broader community should be involved in this discussion, because there has been no forum for the community to discuss these issues in detail.

Distribution of the Feasibility Study Report

David announced that the distribution of the feasibility study report, *Telling the Story of Fernald: Community-Based Stewardship and Public Access to Information*, is moving forward. Copies of the report will be mailed out as hard copy or on CD-ROM. A list of recipients was provided to committee members, and they were asked to provide any additional names. Appropriate cover letters will be included with each mailing.

Multi-Use Education Facility Feasibility Study

David stated that there has been a high level of interest from committee members in planning for the construction of a multi-use education facility (MUEF). He reiterated the committee's goal of having a clear path forward by the end of 2003 and suggested that the group develop a plan for a feasibility study. The feasibility study would build on the results of the May design charrette and should gauge the potential audience for a MUEF, estimate operation costs, and identify potential funding sources. Before a feasibility study can be conducted, the group needs to determine exactly what would be included in such a study and who would pay for it.

David and Doug will work with a small group of Stewardship Committee members to develop a plan for a MUEF feasibility study. Jim Bierer, Marvin Clawson, Steve DePoe, Pam Dunn, Larry Stebbins, and Bob Tabor volunteered to help develop this plan.

The meeting was adjourned at 8:40 p.m.